

**CHAPTER NO. 40**

**HOUSE BILL NO. 2103**

**By Representative Curtiss**

**Substituted for: Senate Bill No. 2020**

**By Senator Burks**

AN ACT to amend Chapter 492 of the Acts of 1901; as amended by Chapter 325 of the Private Acts of 1972; Chapter 74 of the Private Acts of 1985; Chapter 45 of the Private Acts of 1993 and Chapter 166 of the Private Acts of 1994; and any other acts amendatory thereto, relative to the charter of the Town of Monterey.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 492 of the Acts of 1901, as amended by Chapter 325 of the Private Acts of 1972, Chapter 74 of the Private Acts of 1985, Chapter 45 of the Private Acts of 1993, and Chapter 166 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by adding the following language to be a new section:

SECTION \_\_\_\_.

Office of Administrator Created: There is hereby created the Office of Town Administrator for the Town of Monterey. The Board of Mayor and Aldermen shall appoint and fix the salary of the Administrator, who shall serve at the will and pleasure of the Board of Mayor and Aldermen. The position of Town Administrator shall not be governed by the authority of the Civil Service Board. The Administrator shall be selected solely on the basis of his training, experience, and other administrative qualifications. Minimum qualifications shall include an associate's college degree and appropriate training or experience in municipal management, utility management, or public administration. The Administrator shall give full time to the duties of his office.

Residency: The Town Administrator must be a resident of Putnam County within six (6) months of employment.

Vacancy in Office: During periods of vacancy in the Office, temporary absences or disability of the Administrator, the Board of Mayor and Aldermen may appoint an acting Administrator, or may designate a qualified administrative officer of the Town to assume the duties and authority of the Administrator.

Bond: The Town Administrator and acting town administrator shall furnish a corporate surety bond to be approved by the Board of Mayor and Aldermen in such sum as may be determined by the Board, and shall be conditioned upon the faithful performance of the duties imposed upon the Town Administrator and acting town administrator as herein prescribed. Any premium for such bond shall be a proper charge against the Town of Monterey.

Duties of Administrator: It shall be the duty of the Town Administrator to supervise and coordinate appropriate activities of each department of the Town according to the policies and directives of the Board of Mayor and Aldermen, including the following specific duties:

(1) To keep the Board fully advised as to the conditions and needs of the Town;

(2) To perform the duties of Town Recorder and serve as chief financial officer of the Town;

(3) To recommend annually to the Board, a budget for each department of the Town that is under the control of the Board of Mayor and Aldermen;

(4) To determine, implement, and administer an appropriate personnel and pay structure for the Town, making personnel assignments and transfers as necessary to meet departmental needs;

(5) To conduct performance evaluations on all Town employees, determine and allocate pay increases or decreases, and recommend promotion, demotion, discipline, or dismissal of an employee or applicant to the Civil Service Board;

(6) To participate, if needed, with the Civil Service Board in applicant interviews;

(7) To serve as liaison officer for the Board of Mayor and Aldermen in coordinating the activities of the Board with the activities of the Town under separate boards, including the Civil Service Board;

(8) To make recommendations to the Board for improving the quality and quantity of public services to be rendered by the officers and employees of the inhabitants of the Town;

(9) To select, prioritize, and evaluate overall feasibility of programs and projects involving public works and public improvements, to recommend such projects to the Board, to establish priorities for accomplishment, and to direct the efforts of Town employees toward this end;

(10) To report to the Board the condition of property and equipment of the Town, and to recommend repairs and replacements as needed;

(11) To administer the purchasing activities of the Town; and

(12) To perform such other duties as may be required of him by official action of the Board of Mayor and Aldermen.

Board-Administration Relations: The Board of Mayor and Aldermen and its members shall deal with the administrative services of the Town only through the Town Administrator, except for the purpose of inquiry, and neither the Board nor any member thereof shall give orders and instructions to any subordinate of the Town Administrator. The Town Administrator shall take his orders and instructions from the Board of Mayor and Aldermen only when sitting in a duly convened meeting of the Board, and no individual Board member shall give any order or instruction to the Town Administrator.

Department Cooperation: It shall be the duty of all subordinate officers and the Town Recorder and the Town Attorney to assist the Town Administrator in administering the affairs of the Town efficiently, economically, and harmoniously.

Attendance at Board Meetings and Committee Meetings: The Town Administrator shall attend all meetings of the Board of Mayor and Aldermen, and may attend meetings of any other commissions, boards, and committees created by the Board upon his own volition or upon direction of the Board. In attending meetings of commissions, boards, and committees, the Town Administrator shall be heard as to all matters upon which he wishes to speak, and he shall cooperate to the fullest extent with all commissions, boards, and committees appointed by the Board.

Removal: The Town Administrator shall serve at the will and pleasure of the Board of Mayor and Aldermen, and may be removed from office by the majority vote of the full Board, being five (5) votes. Unless the Administrator is removed for willful misconduct in office, the Board may consider and approve granting severance pay to the Administrator.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Monterey. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

**PASSED: May 12, 2003**

APPROVED this 27<sup>th</sup> day of May 2003

  
PHIL BREDESEN, GOVERNOR